

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-00165-RJC-DCK**

CHRISTOPHER BROWN,

Plaintiff,

v.

**PRIME STAR GROUP, INC.; GARY
CHERNAY; and ROGER MOHLMAN,**

Defendants.

ORDER

THIS MATTER comes before the Court on its own motion following a review of the docket in this case. On May 23, 2012, upon a Motion for Entry of Default, the Clerk entered default as to Defendants Gary Chernay and Roger Mohlman. (Doc. No. 9). Plaintiff subsequently moved for default judgment as to all four defendants, and the Court dismissed this motion as premature because Plaintiff had not served process on the other two defendants, Prime Star Group, Inc. and Pacific Stock Transfer Company. Plaintiff subsequently filed a Notice of Voluntary Dismissal as to Pacific Stock Transfer Company on December 5, 2012, (Doc. No. 14), and a Motion for Entry of Default as to Defendant Prime Star Group, Inc. on January 24, 2013, (Doc. No. 15). The Clerk entered default as to Defendant Prime Star Group, Inc. on February 4, 2013. (Doc. No. 16). Since that time, Plaintiff, who is represented by counsel, has taken no action in this case. It is Plaintiff's duty to move this case forward, and Plaintiff has failed to do so. See FED. R. CIV. P. 41(b). The Court should not have to advise Plaintiff and his counsel on the requirements of the Federal Rules of Civil Procedure.

The Court orders Plaintiff to file a motion for default judgment as to the three remaining

defendants within fourteen (14) days of the date of this Order. See Kashaka v. Baltimore Cnty., 450 F. Supp. 2d 610, 614 n.3 (D. Md. 2006). Should Plaintiff fail to obey this Order, the Court will set aside the entry of default and dismiss Plaintiff's claims against the defendants. See id.; FED. R. CIV. P. 16(f); 41(b).

IT IS, THEREFORE, ORDERED that Plaintiff must file a motion for default judgment within fourteen (14) days of the date of this Order.

Signed: April 29, 2013

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

